

Town of Rowley, Commonwealth of Massachusetts
MNUTES OF SPECIAL TOWN MEETING
May 1, 2017

Quorum Certified by Board of Registrars at 7:03 pm
Counters were identified and sworn in by Town Clerk: Maryann “Mo”

Levasseur, 6 Leslie Rd.; Maryellen
MacDonald, 52 Summer St.; Geraldine Robertson, 598 Haverhill St.; and Mary Ellen Mighill, 76 Central St.
Meeting Called to Order by Moderator Joan C. Petersen at 7:08pm
Invocation lead by Rev. Robert M.J. Hagopian of the First Congregational Church of Rowley
Pledge of Allegiance lead by Board of Selectmen Chair Joseph J. Perry.

MOTION: Move to allow the non-resident Town employees, local, and state officials and department heads to speak, if called upon, during the May 1, 2017 Special Town Meeting. These individuals are seated against the wall on the right side of the room as you face the stage, and on the stage, and who will now raise their hands.
Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:12pm

Moderator Petersen asked the Town Clerk to begin the reading of the Warrant.

Essex, ss.

To the Constables in the Town of Rowley in the County of Essex, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Rowley, qualified to vote in elections and Town Affairs, to meet in the Pine Grove School, 191 Main Street, Route 1A, on Monday, the 1st day of May 2017 at 7:00 p.m., then and there to act on the following articles:

MOTION: Madame Moderator, move to suspend further reading of the May 1, 2017 Special Town Meeting Warrant because present Town Meeting members have a copy of this warrant.

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:13pm

ARTICLE 1. To hear and act on reports of Committees and Boards.
(Inserted by the Board of Selectmen)

ARTICLE 2. Move the Town vote to suspend in the Town Meeting the application of Section 19 and Section 20 of the Town Meeting Bylaw pertaining to the reconsideration of all money articles, such suspension intended for the specific purpose to balance the total level of funds raised and appropriated within the limitations of Massachusetts General Laws Chapter 59 Section 21C [Proposition 2-1/2, so-called] and to give blanket warning hereby that any money article may, at the end of the meeting and after all articles have been acted upon, be moved for reconsideration in order to balance the total level of funds raised and appropriated within the limitations of Massachusetts General Laws Chapter 59 Section 21C.

Inserted by the Board of Selectmen

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:14pm

ARTICLE 3. Move the Town vote to transfer and appropriate the sum of \$5,000 from Line 154 (Unemployment) of Article 5 of the Annual Town Meeting of May 2, 2016 to be added to Line 8 (Selectmen’s Expense) of Article 5 of the Annual Town Meeting of May 2, 2016 to pay for the expenses incurred to hold the May 1, 2017 Annual and Special Town Meetings.

Inserted by the Board of Selectmen

Finance Committee Recommends

Motion by Bob Snow, seconded by David Petersen, passed voice unanimous at 7:15pm

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ARTICLE 4. Move the Town vote to transfer and appropriate the sum of \$15,946 from Line 93 (Whittier Voc Assessment) of Article 5 of the May 2, 2016 Annual Town Meeting and to transfer and appropriate the sum of \$2,692 from the Sale of Town Property Account for a total transfer of \$18,638 to Line 97 (Essex Aggie Technical School) of Article 5 of the May 2, 2016 Annual Town Meeting to cover a shortfall in this line.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: The assessment for the Essex Agricultural-Technical High School approved at the May 2, 2016 Annual Town Meeting didn't include the final Rowley student count. The 2016-2017 Rowley enrollment increased by one student. The transfer is coming from surplus funds in the Whittier Voc-Technical High School budget line and from the Sale of Town Property Account. This article will fund the balance that the Town owes to the Essex Agricultural-Technical High School for Fiscal Year 2017.

Motion by David Petersen, seconded by Bob Merry, passed voice unanimous at 7:16pm

ARTICLE 5. Move the Town vote to transfer the sum of \$3,612 from Line 154 (Unemployment) of Article 5 of the May 2, 2016 Annual Town Meeting to Line 120 (Eastern Essex Veterans District) of Article 5 of the May 2, 2016 Annual Town Meeting to cover the Fiscal Year 2017 shortfall in this budget line.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: The Fiscal Year 2017 Eastern Essex Veterans District assessment had an error and the Town was undercharged the full assessment. These additional funds are needed to pay the balance.

Motion by Bob Snow, seconded by Joe Perry, passed voice unanimous at 7:17pm

ARTICLE 6. Move the Town vote to transfer and appropriate the sum of \$10,000 from Free Cash to pay for the Town's shortfall in the Fiscal Year 2016 Eastern Essex Veterans District Assessment.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: Passage requires a nine-tenths vote. The Eastern Essex Veterans District assessment in Fiscal Year 2016 had an error which was recently brought to the Town's attention. The District undercharged the Town's assessment by \$10,000 in Fiscal Year 2016. The error was not discovered by the District until this fiscal year. Passage of this article is needed to pay the District these funds.

Motion by Bob Snow, seconded by Joe Perry, passed voice unanimous at 7:18pm

ARTICLE 7. Move the Town vote to transfer and appropriate the sum of \$19,729 from Line 13 (Collective Bargaining Reserve) of Article 5 of the May 2, 2016 Annual Town Meeting to be used to cover anticipated cost items for the Massachusetts Coalition of Police Local 360 collective bargaining agreement.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: These funds were budgeted by the Board of Selectmen in Fiscal Year 2017 in anticipation of funding a successor agreement with the Massachusetts Coalition of Police Local 360 union. Negotiations between the Town and this union are still ongoing. Passage of this article preserves these funds for appropriation in Fiscal Year 2018.

Motion by Cliff Pierce, seconded by Bob Merry, passed voice unanimous at 7:20pm

ARTICLE 8. Move the Town vote to transfer and appropriate the sum of \$20,070 from Article 16 of the May 4, 2015 Special Town Meeting to be used by the Highway Surveyor towards the purchase of a utility tractor.

Inserted by the Highway Surveyor and Board of Selectmen

Finance Committee Recommends

Explanatory Note: The Highway Department is in need of a compact utility tractor with snow blower and mowing attachments. The Department's aging skid steer broke down several times during this past winter season. A new utility tractor will enable the Department to clear snow from sidewalks and other smaller areas and to also mow grass on the sides of roads. These funds are coming from a balance in an article from

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2015 that funded the replacement of the Highway Garage roof; the purchase and installation of lighting fixtures and lights for the Highway Garage; and for the purchase and installation of an emergency generator. The projects have been completed and came in under budget. These funds are being re-purposed towards the purchase of the utility tractor. The estimated cost of the tractor is \$44,000. The balance of the funds needed for the purchase will come from Article 23 of the May 1, 2017 Annual Town Meeting, the Town's annual capital purchasing appropriation.

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:21pm

ARTICLE 9. Move the Town vote to transfer and appropriate the sum of \$6,000 from Article 7 of the May 7, 2001 Special Town Meeting to be used by the Library Director for the purchase and installation of an automated door opener at the Library.

Inserted by the Library Director and Board of Selectmen

Finance Committee Recommends

Explanatory Note: Article 7 of the May 7, 2001 Special Town Meeting appropriated \$6,000 for the purchase of a burglar alarm system at the Town Hall Annex. These funds were not sufficient to cover the cost of this project. After the completion of the elevator and accessibility project at the Annex, the Board of Selectmen will research security options for this building. This transfer will enable the Library Director to purchase and install the automated door opener for the side entrance to the Library. This will assist the many Library patrons who have mobility issues in entering and exiting the building.

Motion by Bob Merry, seconded by Dave Petersen, passed voice unanimous at 7:21pm

ARTICLE 10. Move the Town vote to transfer and appropriate the sum of \$40,000 from the Sale of Town Property Account to be used by the Fire Chief for the purchase of firefighter protective clothing and gear.

Inserted by the Fire Chief and Board of Selectmen

Finance Committee Recommends

Explanatory Note: Passage of this article funds the cost of firefighter protective clothing and gear. Additionally, the Department has added new firefighters who also need protective clothing and turnout gear. The life span of the turnout gear is ten years.

Motion by Bob Snow, seconded by Joe Perry, passed voice unanimous at 7:22pm

ARTICLE 11. Move the Town vote to transfer and appropriate the sum of \$3,800 from Free Cash to be expended by the Chief of Police for the purpose of sending a police officer to the Police Academy in Fiscal Year 2017.

Inserted by the Police Chief

Finance Committee Recommends

Explanatory Note: This article funds the cost to send a new police officer to the Police Academy and for the purchase of necessary equipment and materials.

Motion by Cliff Pierce, seconded by Bob Merry, passed voice unanimous at 7:22pm

ARTICLE 12. Move the Town vote to transfer \$350,000 of the \$450,000 appropriated under Article 13 of the November 14, 2016 Special Town Meeting to the Community Preservation Undesignated Fund account.

Inserted by the Community Preservation Committee

Finance Committee Recommends

Explanatory Note: Article 13 of the November 14, 2016 Special Town Meeting Warrant appropriated \$450,000 from the Community Preservation Undesignated Fund towards the purchase of a Conservation Restriction for the Mehaffey Farm. The appropriation was contingent upon the receipt of grants and donations, including a grant from the State Local Acquisitions for Natural Diversity program, with no more than \$100,000 committed from the Community Preservation Fund. The Town did not receive that grant. The Community Preservation Committee voted to re-allocate \$350,000 of the \$450,000 towards the purchase of 3.5 acres of land at the rear of 221 Main Street for the expansion of the Town's playing fields. Passage of this article still commits \$100,000 of Community Preservation Funds towards the purchase of the conservation

restriction of the Mehaffey Farm. The Essex County Greenbelt Association is raising the balance of the funds needed to purchase the Conservation Restriction.

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:23pm

ARTICLE 13. Move the Town vote pursuant to Massachusetts General Laws Chapter 40 §15A to transfer 351 Wethersfield Street, consisting of 1.3974 acres, and 355 Wethersfield Street, consisting of 3.5974 acres, Town-owned tax title parcels, as shown on Assessors Map 19, Parcel 8, Lots 14 and 15 to the care and custody of the Conservation Commission for conservation purposes pursuant to Massachusetts General Laws Chapter 40 §8C, as it may from time to time be amended and subject to the purposes and protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Inserted by the Conservation Commission, Board of Selectmen and Treasurer/Collector

Finance Committee Recommendation Not Required

Explanatory Note: These parcels were taken by the Town for non-payment of taxes. They are adjacent to and contain the Bachelder Brook stream corridor and would connect previously acquired conservation land.

Passage of this article protects the natural resources on these sites.

Motion by Cliff Pierce, seconded by Bob Merry, passed voice unanimous at 7:24pm

ARTICLE 14. Move the Town vote to transfer and appropriate the sum of \$45,000 from the Water Department Stabilization Fund for the purpose of paying the Bond Anticipation Note issued for the Prospect Hill Road construction project.

Inserted by the Board of Water Commissioners

Finance Committee Recommends

Explanatory Note: Passage requires a two-thirds vote. By paying off this loan now, the Water Department can save approximately \$2,500 annually for three years. The Treasurer supports passage of this article.

Motion by John Manning, seconded by Mark Emery, passed voice unanimous at 7:26pm

ARTICLE 15. Move the Town vote to transfer the sum of \$187,278 from the Water Department Enterprise Free Cash to the Water Department Stabilization Fund.

Inserted by the Board of Water Commissioners

Finance Committee Recommends

Explanatory Note: Passage requires a two-thirds vote.

Motion by John Manning, seconded by Mark Emery, passed voice unanimous at 7:27pm

ARTICLE 16. Move the Town vote to transfer and appropriate the sum of \$18,000 from the Water Department Stabilization Fund for the purpose of purchasing and installing a HVAC system at the Water Department Administrative building at 401 Central Street.

Inserted by the Board of Water Commissioners

Finance Committee Recommends

Explanatory Note: Passage requires a two-thirds vote. The existing heating and cooling systems at 401 Central Street are inadequate.

Motion by John Manning, seconded by Mark Emery, passed voice unanimous at 7:28pm

ARTICLE 17. Move the Town vote to transfer and appropriate the sum of \$80,000 from the Water Department Stabilization Fund to Article 24 of the May 2, 2016 Special Town Meeting to be used towards the purchase and installation of a dehumidification system at the Water Treatment Plant.

Inserted by the Board of Water Commissioners

Finance Committee Recommends

Explanatory Note: Passage requires a two-thirds vote. Article 24 of the May 2, 2016 Special Town Meeting appropriated \$376,000 for the purpose of purchasing and installing a dehumidification system at the Water Treatment Plant. Cost estimates show that the original appropriation was insufficient. These additional funds are needed to cover the project costs.

Motion by John Manning, seconded by Mark Emery, passed voice unanimous at 7:36pm

ARTICLE 18. Move the Town vote to amend the “Rowley Protective Zoning Bylaw” (“the Zoning Bylaw”) by:

1) Inserting the following new paragraph “(n)” under Section 4.6.3:

(n) Pharmacies with drive-through facilities”

2) Inserting a definition for “Agriculture” into Section 2.0 (Definitions) of the Zoning Bylaw which reads as follows:

Agriculture: Shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

3) Removing the following ~~strike-through~~ text from Section 4.8.1.(c) of the Zoning Bylaw and, replacing it with the new underlined text which reads as follows:

Agriculture, horticulture, floriculture, and viticulture, provided that such uses shall be limited to parcels of land containing at least ~~five (5) acres~~ two (2) acres.

Inserted by the Planning Board

Finance Committee Recommendation Not Required

Explanatory Note: Passage requires a two-thirds vote. This article would amend the Zoning Bylaws by: adding the use-class “Pharmacies with drive-through facilities” to the list of permitted uses in the Retail Zoning District, contingent on approval of a special permit by the Planning Board; inserting a definition for “agriculture” which mirrors the Massachusetts State definition of the term; and reducing the minimum parcel size requirement for agricultural uses in areas outside of the Outlying Zoning District from five to two acres. This latter amendment is required by a change in State law.

Motion by Chris Thornton, seconded by Bob Merry, passed voice unanimous at 7:40pm

ARTICLE 19. Move the Town vote to amend the “Rowley Protective Zoning Bylaw” (“the Zoning Bylaw”) by removing the following ~~strike-through~~ text from Section 8.6.5.4 of the Zoning Bylaw and replacing it with the new underlined text as follows:

8.6.5.4 ~~Except as provided in section 8.6.5.4.1,~~ externally-illuminated, free-standing signs shall be illuminated from the top pointing downward (luminaires mounted from below the sign are not permitted), except that the Planning Board may waive this requirement and permit a free-standing sign to be illuminated from the bottom pointing upward if the Board finds that the proposed fixtures comply with section 8.6.5.5 and are otherwise consistent with the intent of the Zoning Bylaw.

Inserted by the Planning Board

Finance Committee Recommendation Not Required

Explanatory Note: This article would amend the Zoning Bylaw's Section 8.6.5.4 pertaining to externally-illuminated free-standing signs by striking the current prohibition against bottom-mounted, upward pointing fixtures, and inserting text that would give the applicant the option to request a waiver from the default requirement that externally-illuminated signs be illuminated from the top pointing downward to allow for the installation of upward pointing fixtures either affixed to the sign structure, or, ground-mounted fixtures, on the condition that all lighting fixtures subject to the Planning Board waiver will comply with Section 8.6.5.5 which specifies that said illumination will be shielded to prevent glare to pedestrian and vehicular traffic
Motion by Chris Thornton, seconded by Cliff Pierce, passed voice unanimous at 7:44pm.

ARTICLE 20. Move the Town vote to appropriate or reserve from the Community Preservation Fund Fiscal Year 2017 annual revenues the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses, with each item to be considered a separate appropriation:

<u>Category</u>	<u>Original Amount Reserved</u>	<u>Revised Amount to be reserved</u>	<u>Difference Required to be reserved</u>
Housing Reserve	\$19,366.87	\$25,057.50	\$5,690.63
Historical Reserve	\$0	\$2,594.81	\$2,594.81
Administrative Appr.	\$24,998.91	\$27,844.22	\$2,845.31.

Inserted by the Community Preservation Committee)

Finance Committee Recommends

Explanatory Note: The Community Preservation Act requires the Town to set aside 10% of funds collected after deducting appropriate debt service for each of the following areas: open space, historic preservation and community housing. The Town's expectations for the fund were based on a 20% match from the State. The final State match (35.5%) was in the amount of \$140,326.00. This increases the amounts to be reserved for: affordable housing, historical preservation, and administrative expenses. All funds realized above those reserved or appropriated will become general Undesignated CPA funds available for appropriation in Fiscal Year 2017 or to be carried over to Fiscal Year 2018.

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 7:46pm

ARTICLE 21. Move the Town vote to transfer and appropriate from Free Cash the sum of \$50,000 to be used by the Board of Selectmen for Prospect Hill roadway repairs and stormwater management systems.

Inserted by the Board of Selectmen

Finance Committee Recommends

Explanatory Note: A discharge from the water tank at the top of Prospect Hill has caused significant erosion on the middle portion of the Prospect Hill access road. The road needs to be repaired in this area. The Board of Selectmen will seek reimbursement from the Water Department Enterprise Fund at the Fall Special Town Meeting.

Motion by Bob Snow, seconded by Joe Perry, passed voice unanimous at 8:01pm

MOTION: Move the Town vote to adjourn the May 1, 2017 Special Town Meeting.

Motion by Joe Perry, seconded by Bob Snow, passed voice unanimous at 8:02 pm

And you are hereby instructed to serve this warrant by posting copies thereof in at least seven public places in Town not less than fourteen days before the day fixed for such meeting, as directed by the laws of the Town and to make due return of the Warrant to the Town Clerk at least two days before said meeting. Given under our hands this 6th day of April in the year two thousand seventeen.

Joseph Perry, Chairman

Robert Snow, Vice

Chairman

Clifford Pierce, Clerk

David Petersen

G. Robert Merry

I have served this Warrant by posting in at least seven public places in the Town not less than fourteen days before the day fixed for such meeting and have made the return of the Warrant to the Town Clerk at least two days before the time of said meeting.

Notices posted at Town Hall, Rowley Pharmacy, Inc., Public Library, Knowles Filling Station, Market Basket, Town Hall Annex, and The First Ipswich Bank, formerly known as First National Bank of Ipswich - Rowley Office.

Richard C. MacDonald, Constable

4/11/17

Certification: I, Susan G. Hazen, duly elected and qualified Town Clerk of the Town of Rowley do hereby certify that the statements contained above with regard to the May 1, 2017 Town of Rowley Special Town Meeting are true and accurate according to documents maintained by this office.

***Susan G. Hazen, Town Clerk
Town of Rowley
May 15, 2017***